

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 5297 of 2006(E)

**AGAINST THE ORDER IN IA 6579 2005 IN
OS.271/2005 of PRL.M.C.,ERNAKULAM**
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PETITIONER:

**CORPORATION OF KOCHI,
PART AVENUE, KOCHI-11, ERNAKULAM,
REPRESENTED BY ITS SECRETARY.**

BY ADV. SRI.K.R.MOHANAN

RESPONDENTS:

**P.K.NABEESA BEEVI, AGED 60,
W/O.V.K.MAJEED, VALIYAVEETIL,
SRM ROAD, KOCHI-18, ERNAKULAM,
KANAYANNOOR TALUK.**

BY ADV. SRI.SHAHUL HAMEED MOOPPAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PIUS C. KURIAKOSE, J.

W.P.(C) No. 5297 OF 2006

Dated this the 29th day of June, 2007

JUDGMENT

The petitioner is aggrieved by Ext.P4 order by which the learned Munsiff has dismissed the application submitted by the petitioner to receive a written statement which was filed beyond 90 days of receipt of summons by the petitioner defendant. The issue is now covered in favour of the petitioner by judgment of the Supreme Court in **Kailash v. Nanhku** [2005(2) KLT 623(SC)]. Considering the principles laid down in Kailash's case Ext.P4 has to be set aside and I do so. The learned Munsiff is directed to receive the written statement filed by the petitioner and formulate issues on the contentions therein and dispose of the suit in accordance with law at the earliest.

PIUS C. KURIAKOSE, JUDGE

btt

